IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:	§	
Entenmann, Mathias	§	
	§	Confirmation No.: 4137
Serial No. 09/678,295	§	
	§	Group Art Unit: 3694
Filed: October 2, 2000	§	
	§	Examiner: Tran, Hai
For: METHOD OF EFFECTING CASHLESS	§	
PAYMENTS AND A SYSTEM FOR	§	
IMPLEMENTING THE METHOD	§	

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

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Sirs:

This Brief is submitted in connection with an appeal from the Final Rejection of the Examiner mailed to Applicants on February 4, 2008, finally rejecting claims 1-4, 7, 9-10, 12-19, and 22-32, all of the pending claims in this application.

REAL PARTY IN INTEREST

The real party in interest is Patentanwälte Becker & Aue, having a principal place of business at Saarlandstraße 66, 55411 Bingen, Germany.

RELATED APPEALS AND INTERFERENCES

There are no related appeals and no related interferences regarding the above-identified patent application.

STATUS OF CLAIMS

The status of the claims is as follows:

Claims 1-4, 7, 9-10, 12-19 and 22-32 are pending in the application and are rejected.

The final rejection of claims 1-4, 7, 9-10, 12-19 and 22-32 is appealed.

Claims 1-4, 7, 9-10, 12-19 and 22-32 are set forth in Appendix A, attached hereto.

STATUS OF AMENDMENTS

A Final Office Action was mailed to Applicants on February 4, 2008, finally rejecting claims 1-4, 7, 9-10, 12-19 and 22-32. No amendment has been made subsequent to the Final Office Action.

A Notice of Panel Decision from the Pre-Appeal Brief Review was mailed on May 6, 2008, indicating that claims 1-4, 7, 9-10, 12-19 and 22-32 were rejected and that the application remains under appeal because there is at least one actual issue for appeal, and requiring Applicants to submit an Appeal Brief in accordance with 37 CFR §41.37.

SUMMARY OF THE CLAIMED SUBJECT MATTER

The present invention, in one embodiment, as now set forth in independent claim 1, relates to a method of effecting a cashless payment transaction by means of a merchant station characterized by a merchant station identification code, a mobile cell phone with a SIM card characterized by an identification code identifying the SIM card, and a comparing device, which comprises a transaction data memory device, a merchant checking device for checking the identification codes of the merchant stations authorized for this method, and a subscriber checking device for checking the identification codes of the SIM cards authorized for this method and which is connected to account keeping device, comprising the steps:

reading an amount of money to be paid into the merchant station (p. 10, ll. 2-3, p. 11, ll. 22-24; Figs. 4a and 5a),

transmitting, by the merchant station, the identification code of the merchant station and at least the amount of money to the comparing device through a data link (p. 9, ll. 25-26, p. 11, ll. 24-26; Figs. 4a and 5a),

checking the authority of the merchant station for the method, using the merchant checking device (p. 10, ll. 9-10, p. 11, ll. 27-30, p. 12, ll. 28-29; Figs. 4a, 5a, and 6),

terminating the method in the absence of the authority, otherwise writing the data as an open transaction into the transaction memory device of the comparing device (p. 11, ll. 30-32, p. 12, ll. 30),

after the step of reading the amount of money into the merchant station, making a connection from the mobile cell phone to the comparing device (p. 10, ll. 15, Fig. 4a),

transmitting the identification code of the merchant station and the identification code associated with the SIM card from the mobile cell phone to the comparing device (p. 9, ll. 29-30, p. 10, ll. 15-17, p. 11, ll. 24-26, p. 12, ll. 26-28; Figs. 4a, 5a, and 6),

checking the authority of the SIM card for the method, using the subscriber checking device, in the absence of the authority terminating the method, clearing the open transaction from the transaction memory and the transmitting corresponding data to the merchant station, otherwise comparing the merchant station identification code transmitted from the mobile cell phone with those of the open transactions stored in the transaction memory device and on failure to find such a transaction terminating the process and, on finding the transaction (p. 9, ll. 30-32, p. 10, ll. 20-27, p. 11, ll. 5-6, p. 11, ll. 27-35 to p. 12, ll. 1, p. 12, ll. 26-30; Figs. 4a and 5a),

transmitting the transaction data to the mobile cell phone (p. 10, ll. 23-24, p. 11, ll. 34; Figs. 4b and 5b),

outputting the data through the mobile cell phone (p. 9, ll. 32-33, p. 10, ll. 23-24, p. 11, ll. 34-35; Figs. 4b and 5b),

requesting confirmation information through the mobile cell phone (p. 10. ll. 28-29, p. 12, ll. 2; Figs. 4b and 5b),

transmitting the confirmation data to the comparing device (p. 9, ll. 33, p. 10, ll. 29, p. 12, ll. 2-3; Figs. 4b and 5b),

terminating the transaction and clearing the transaction from the transaction memory if the confirmation data corresponds to a refusal, and transmitting the transaction data from the transaction memory and the identification code of the mobile cell phone to an account keeping device and clearing the transaction from the transaction memory in the alternative case (p. 10, ll. 31 to p.11, ll. 2, p. 12, ll. 4-9; Figs. 4b and 5b); and

transmitting additional supplementary transaction data to the comparing device or mobile cell phone from the merchant station (p. 12, ll. 6-9).

The present invention, in an embodiment, as now set forth in independent claim 3, relates to a method of effecting a cashless payment transaction by means of a merchant station characterized by a merchant station identification code, a mobile cell phone with a SIM card and an identification code associated with the SIM card and a comparing device, which compromises a transaction memory device, a merchant checking device for checking the identification codes of the merchant stations authorized for this method, and a subscriber checking device for checking the identification codes of the SIM cards authorized for this method and, in the case in which the identification code of the SIM card is not its telephone number, for storing the telephone numbers associated with the SIM cards, and which is connected to account keeping devices, comprising the steps:

reading into the merchant station the amount of money to be paid (p. 10, ll. 2-3, p. 11, ll. 22-24; Figs. 4a and 5a),

wirelessly reading into the merchant station the identification code of a SIM card of a mobile cell phone (p. 11, ll. 23-25; Fig. 5a),

transmitting, by the merchant station, the identification code of the merchant station, the identification code of the mobile cell phone and at least the amount of money to the comparing device over a data link (p. 11, ll. 24-26; Fig. 5a),

checking the authority of the merchant station for the method by comparison with the entries in the merchant checking device, checking the authority of the SIM card for the method using the subscriber checking device (p. 9, ll. 30-32, p. 10, ll. 9-10, p. 11, ll. 27-30, p. 12, ll. 28-29; Figs. 4a, 5a and 6),

terminating the method in the absence of authority, otherwise writing the data as an open transaction into the transaction memory device (p. 11, ll. 30-32, p. 12, ll. 30),

in the case in which the identification code of the SIM card is not the telephone number, reading the telephone number out of the subscriber checking device on the basis of the identification code (p. 7, ll. 8-11),

making a connection from the comparing device to the mobile cell phone using the telephone number obtained (p. 10, ll. 15, Fig. 4a),

transmitting the transaction data to the mobile cell phone (p. 10, ll. 23-24, p. 11, ll. 34; Figs. 4b and 5b),

outputting the data by the mobile cell phone (p. 9, ll. 32-33, p. 10, ll. 23-24, p. 11, ll. 34-35; Figs. 4b and 5b),

requesting confirmation information through the mobile cell phone (p. 10. ll. 28-29, p. 12, ll. 2; Figs. 4b and 5b),

transmitting the confirmation data to the comparing device(p. 9, ll. 33, p. 10, ll. 29, p. 12, ll. 2-3; Figs. 4b and 5b),

terminating the transaction if the confirmation data corresponds to a refusal (p. 10, ll. 32, p. 12, ll. 4-5),

transmitting the confirmation and optionally further transaction data to the merchant station (p. 12, ll. 6-9),

transmitting the transaction data from the transaction memory and the identification code of the mobile cell phone to an account keeping device and clearing the transaction from the transaction memory (p. 10, ll. 32 to p.11, ll. 2; Figs. 4b and 5b); and

terminating the transaction if the confirmation information is not given within a predetermined time after transmitting the identification code of the merchant station, the identification code of the mobile cell phone and at least the amount of money from the merchant station to the comparing device (p.11, ll. 4-6).

The present invention, in one embodiment, as now set forth in independent claim 18, relates to a system comprising:

a merchant station characterized by a merchant station identification code (p. 8, ll. 28-29),

a mobile cell phone with a SIM card and an identification code characterizing the SIM card (p. 8, ll. 28-29),

a comparing device, which comprises a transaction data memory device, a merchant checking device for checking the identification codes of the merchant stations authorized for this method and a subscriber checking device for checking the identification codes of the SIM cards authorized for this method and which is connected to account keeping devices, wherein the comparing device comprises (p. 9, ll. 8-16; Fig. 3),

a subscriber checking device in which is held the identification code of each mobile cell phone and the account number associated therewith in the account keeping device (p. 9, ll. 11-13), and

a control device for transmitting to the account keeping device the account number corresponding to the identification code, on the basis of the information in the subscriber checking device, rather than the identification code of the mobile cell phone (p. 9, ll. 13-16; Fig. 3),

the merchant station comprising an input device and an output device and a device for making a data connection to the comparing device (p. 9, ll. 2-7; Fig. 2), the comparing device further comprises interface devices for data connection to merchant stations, interface devices for mobile cell phone connections, as well as control devices (p. 9, ll. 8-16; Fig. 3), which after the merchant station makes a connection to the comparing device and transmits transaction data from a merchant station to the comparing device (p. 11, ll. 24-26; Fig. 5a), checks the authorization of the merchant station for the method, using the merchant checking device (p. 10, ll. 9-10, p. 11, ll. 27-30, p. 12, ll. 28-29; Figs. 4a, 5a and 6) and terminates the method in the absence of authorization but otherwise enters the transmitted transaction data in the transaction data memory device (p. 11, ll. 30-32, p. 12, ll. 30), on making a connection from a mobile cell

phone receives the identification code of the SIM card and the identification code of the merchant station (p. 11, ll. 24-26; Fig. 5a), checks the authorization of the SIM card for the method using the subscriber checking device, and terminates the method in the absence of authorization, but otherwise compares the identification code of the merchant station with the entries in the transaction data memory device and, on finding a transaction with the same merchant station identification code, transmits the located transaction data to the mobile cell phone through the interface device for mobile cell phone connections (p. 9, ll. 30-32, p. 10, ll. 20-27, p. 11, ll. 5-6, p. 11, ll. 27-35 to p. 12, ll. 1, p. 12, ll. 26-30; Figs. 4a and 5a) and also sends a request for confirmation thereto (p. 10. ll. 28-29, p. 12, ll. 2; Figs. 4b and 5b), and receives the confirmation data through the interface device for mobile cell phone connections, interprets this as acceptance or refusal, transmits the confirmation information through the interface device to the merchant station (p. 12, ll. 6-9) and in the case of acceptance transmits the transaction data and the identification code of the mobile cell phone to the account keeping device (p. 10, ll. 32 to p. 11, ll. 2; Figs. 4b and 5b).

The present invention, in another embodiment, as now set forth in independent claim 19, relates to a system comprising:

a merchant station with a merchant station identification code (p. 8, ll. 28-29),

a mobile cell phone with a SIM card and an identification code characterizing the SIM card (p. 8, ll. 28-29), and

a comparing device, comprising a transaction data memory device, a merchant checking device for checking the identification codes of the merchant stations authorized for this method and a subscriber checking device for checking the identification codes of the SIM cards authorized for this method (p. 9, ll. 8-16; Fig. 3), and if the identification code is not the telephone number, storing the telephone number, and which is connected to account keeping devices (p. 7, ll. 8-11), wherein

the merchant station comprises an input device, an output device, a device for making a data connection to the comparing device, and a device for wirelessly receiving the identification code characterizing the SIM card (p. 9, ll. 2-7; Fig. 2),

the comparing device further comprising:

interface devices for data connection to the merchant station, interface devices for mobile cell phone connections, as well as control devices (p. 9, ll. 8-16; Fig. 3), which

after the merchant station makes a connection to the comparing device and transmits transaction data from a merchant station to the comparing device (p. 11, ll. 24-26; Fig. 5a), checks the authorization of the merchant station for the method, using the merchant checking device (p. 10, ll. 9-10, p. 11, ll. 27-30, p. 12, ll. 28-29; Figs. 4a, 5a and 6), and the authorization of the SIM card for the method received wirelessly by the merchant station (p. 11, ll. 23-25; Fig. 5a), using the subscriber checking device, and terminates the method in the absence of authorization, but otherwise enters the transmitted transaction data in the transaction data memory device, makes a connection through the interface device for mobile cell phone connections, corresponding to the identification code for the mobile cell phone contained in the transaction data, transmits the transaction data to the mobile cell phone (p. 9, ll. 30-32, p. 10, ll. 20-27, p. 11, ll. 5-6, p. 11, ll. 27-35 to p. 12, ll. 1, p. 12, ll. 26-30; Figs. 4a and 5a) and sends a request for confirmation to this (p. 10. ll. 28-29, p. 12, ll. 2; Figs. 4b and 5b), and receives the confirmation data through the interface device for mobile cell phone connections, interprets it as an acceptance or a refusal, in the case of acceptance transmits the confirmation information to the merchant station through the interface device (p. 12, ll. 6-9) and transmits the transaction data and the identification code of the mobile cell phone to the account keeping device (p. 10, ll. 32 to p.11, ll. 2; Figs. 4b and 5b), and

a merchant checking device in which is held the identification code of each merchant station and the account number associated therewith in the account keeping device (p. 9, ll. 10-11),

wherein the control device transmits to the account keeping device the account number corresponding to the identification code, on the basis of the information in the merchant memory device, rather than the identification code of the merchant station (p. 9, ll. 13-16; Fig. 3).

GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

1.   Claims 1-4, 7, 9-10, 12-19 and 22-32 were rejected under 35 U.S.C. §103 as being unpatentable over Partridge, III (U.S. Patent No. 5,608,778) (Partridge) in view of Jonstromer (U.S. Patent No. 6,142,369) (Jonstromer).

ARGUMENT

Independent claims 1, 3 and 18-19 are submitted to be patentable at least for the reasons set forth below. Dependent claims 2, 9-10 and 12-17 depend from and further limit independent

claim 1, dependent claims 4, 7 and 23-31 depend from and further limit independent claim 3, dependent claim 32 depends from and further limits independent claim 19, and all are submitted to be allowable for at least the reasons set forth below.

As the PTO recognizes in M.P.E.P. §2142:

> The Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness. If the Examiner does not produce a *prima facie* case, the applicant is under no obligation to submit evidence of nonobviousness.

As to the claims, a *prima facie* case of obviousness is missing, at least because the combination of references fails to disclose each element of the claims or suggest the missing elements.

The Office Action uses Partridge to reject most elements of the claims and Jonstromer for the teaching of a cellular telephone with a smart card (or SIM card). Applicants respectfully submit that, in its use to provide a rejection under 35 U.S.C. 103(a), Partridge is deficient in a number of areas, detailed below, that Jonstromer does not remedy.

To summarize Partridge, a method to obtain credit with the use of a cellular telephone is disclosed having the following steps (elements in parenthesis refers to disclosures in the Partridge reference):

1. The telephone registers with a base station (column 3, lines 40-67 to column 4, lines 1-32)

2. The merchant provides the customer with a merchant ID code (column 5, lines 3-5)

3. The customer enters into the telephone a transaction prefix, the merchant ID, and a sum of money to be charged to the customers account and credited to the merchant (column 5, lines 6-9)

4. The telephone send the transaction prefix, the merchant ID, and the sum of money to the base station (column 5, lines 10-16)

5. The base station receives the transaction prefix, the merchant ID, and the sum of money, recognizes it as a credit request, and relays relevant information to a credit center (column 5, lines 17-26)

6. The credit center determines whether credit should be granted and sends an approval to the merchant and possibly the telephone (column 5, lines 27-30)

Partridge goes on to disclose that a "...slight awkwardness with the above-disclosed protocol is that the merchant needs to provide the customer with its code..." (column 5, lines 39-41) and that "...These deficiencies are overcome with a slightly altered approach where the

merchant contacts credit center 40 – rather that the other way around – and where the merchant electronically supplies its identification code to the credit center..." (column 5, lines 48-52). Partridge goes on to state that a communications link between the telephone and the merchant is then "...established by the merchant and the customer agreeing to use a selected transaction password (TP string)...The customer can enter the TP string <u>instead</u> of the merchant's ID code and send that to base station 2, and the merchant can use the same TP in the merchant's communication with the credit center 40..." (emphasis added) (column 5, lines 55-62).

Independent claim 1 includes a number of elements (the underlined material below) that are not present in Partridge:

<u>Transmitting an amount of money from the merchant station</u>

There is no disclosure in Partridge of an amount of money transmitted from the merchant. As summarized above, the merchant either gives the customer a merchant ID code (column 5, lines 3-5) or a TP string (column 5, lines 55-62), and the customer then transmits the sum of money that should be charged to the customer's account and credited to the merchant (column 5, lines 6-9). The merchant is disclosed as transmitting, at most, the merchant ID code (column 5, lines 48-52), the TP string (column 5, lines 55-62), and possibly the ESN and MIN1 of the telephone (column 6, lines 11-13). Thus, there is no disclosure of transmitting an amount of money from the merchant station.

<u>Transmitting the identification code of the merchant from both of the merchant station and the mobile cell telephone</u>

Partridge discloses transmitting the merchant ID code from <u>either</u> the merchant <u>or</u> the telephone, and teaches away from transmitting it from both. As detailed above, after disclosing that the merchant may provide the customer with a merchant ID code (column 5, lines 3-5) and the customer may then enter into the telephone the merchant ID (column 5, lines 6-9) and transmit the merchant ID code using the telephone, Partridge states that a "...slight awkwardness with the above-disclosed protocol is that the merchant needs to provide the customer with its code..." (column 5, lines 39-41) and that "...These deficiencies are overcome with a slightly altered approach where...the merchant electronically supplies its identification code to the credit center..." (column 5, lines 48-52) and "...The customer can enter the TP string <u>instead</u> of the merchant's ID code..." (emphasis added) (column 5, lines 55-62). Thus, there is no disclosure of transmitting the identification code of the merchant from <u>both</u> of the merchant station and the mobile cell telephone.

Writing the data transmitted from the merchant station to an open transaction and then comparing a merchant station identification code transmitted from the mobile cell telephone with the open transaction to find the transaction

As stated above, Partridge does not disclose that the merchant ID code is transmitted from both the merchant and the telephone, so if follows that there would be no transmission of the merchant ID code from the merchant that is written to an open transaction and then a transmission of the merchant ID code from the telephone that is compared with the open transactions to find a particular transaction. Thus, there is no disclosure of writing the data transmitted from the merchant station to an open transaction and then comparing a merchant station identification code transmitted from the mobile cell telephone with the open transaction to find the transaction.

Transmitting the transaction data to the mobile cell telephone and outputting the data through the mobile cell telephone

The Office Action states that such material is disclosed in Partridge at column 2, line 40 to column 7, line 23. As this is the entirety of the disclosure of the "Extending Credit" portion of Partridge, it is difficult for Applicants to determine exactly where the Office Action is asserting such material is disclosed. However, after a review of the section in its entirety, Applicants submit that no such disclosure exists. Partridge states "..When credit center 40 determines that telephone 10 should be granted the credit, it sends an approval code to merchant's equipment 30 and, perhaps, to the cellular telephone as well..." (column 5, lines 28-31), "...Preprocessor 42 confirms the bona fide of the user requested credit...and determines whether to grant credit. Its decision is then communicated to equipment 30 and, optionally, to wireless telephone 10. A written confirmation of the amount charged to the customer's account can be had from a printout provided to the customer by the merchant and, if desired, the printout can be signed by the customer for a backup validation of the charge..." (column 6, lines 51-59). The only information sent to the telephone is an approval code or a decision to grant credit. Confirmation of an amount charged is not sent to the telephone, but rather provided as a printout by the merchant. Thus, there is no disclosure of transmitting the transaction data to the mobile cell telephone and outputting the data through the mobile cell telephone.

Requesting confirmation information through the mobile cell telephone and transmitting the confirmation data

The Office Action states that such material is disclosed in Partridge at column 2, line 40 to column 7, line 23. Again, this is the entirety of the disclosure of the "Extending Credit" portion of Partridge, making it difficult for Applicants to determine exactly where the Office Action is asserting such material is disclosed. However, after a review of the section in its entirety, Applicants submit that no such disclosure exists. The only confirmation data sent seems to be the approval code or decision to grant credit that is sent to the telephone by the credit center (column 6, lines 51-59). Thus there is no disclosure of <u>requesting</u> confirmation information through the mobile cell telephone and transmitting the confirmation data.

<u>Transmitting additional supplementary transaction data from the merchant station</u>

The Office Action states that such material is disclosed in Partridge at column 2, line 40 to column 7, line 23. Again, this is the entirety of the disclosure of the "Extending Credit" portion of Partridge, making it difficult for Applicants to determine exactly where the Office Action is asserting such material is disclosed. However, after a review of the section in its entirety, Applicants submit that no such disclosure exists. As stated above, the merchant is disclosed as transmitting, at most, the merchant ID code (column 5, lines 48-52), the TP string (column 5, lines 55-62), and possibly the ESN and MIN1 of the telephone (column 6, lines 11-13). As further stated above, there is no disclosure of the merchant transmitting any transaction data. Thus, as should logically follow, there is no disclosure of transmitting additional supplementary transaction data from the merchant station (i.e., if not transaction data is transmitted by the merchant, there can be no additional supplementary transaction data transmitted from the merchant).

Independent claim 3 includes the following recitations, similar to independent claim 1, that Partridge does not teach for the reasons stated above: transmitting the transaction data to the mobile cell telephone and outputting the data by the mobile cell telephone, and requesting confirmation information through the mobile cell telephone and transmitting the confirmation data. Furthermore, independent claim 3 includes the recitation: terminating the transaction if the confirmation information is not given within a predetermined time. The Office Action rejects claim 3 by stating that it is similar to claim 1 and has the same elements and limitations. However, this recitation is not provided in independent claim 1. As such, it is difficult for Applicants to address the rejection. However, after a review of Partridge in its entirety, Applicants submit that no such disclosure exists, as Applicants can find no mention in Partridge of a predetermined time after which the transaction will be terminated if there is no confirmation information given upon a request from the telephone. Such a conclusion is further supported, as stated above, by there being no confirmation requested from the telephone by the Partridge system.

Independent claim 18 includes the following recitations, similar to independent claim 1, that Partridge does not teach for the reasons stated above: a control device that compares the identification code of the merchant station with the entries in the transaction data memory device and, on finding a transaction with the same merchant station identification code, transmits the located transaction data to the mobile cell telephone through the interface device for mobile cell telephone connections and also sends a request for confirmation thereto, and receives the confirmation data.

Independent claim 19 includes the following recitations, similar to independent claim 1, that Partridge does not teach for the reasons stated above: a control device transmits the transaction data to the mobile cell telephone and sends a request for confirmation to this, and receives the confirmation data.

CONCLUSION

Accordingly, it is respectfully submitted that the combination of Partridge and Jonstromer does not teach nor suggest all of the claimed elements and does not suggest the desirability of the claimed combination.

For all of the foregoing reasons, it is respectfully submitted that claims be allowed. A prompt notice to that effect is earnestly solicited.

Respectfully submitted,

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CLAIMS APPENDIX

1. (Previously Presented) A method of effecting a cashless payment transaction by means of a merchant station characterized by a merchant station identification code, a mobile cell phone with a SIM card characterized by an identification code identifying the SIM card, and a comparing device, which comprises a transaction data memory device, a merchant checking device for checking the identification codes of the merchant stations authorized for this method, and a subscriber checking device for checking the identification codes of the SIM cards authorized for this method and which is connected to account keeping device, comprising the steps:

　　　reading an amount of money to be paid into the merchant station,

　　　transmitting, by the merchant station, the identification code of the merchant station and at least the amount of money to the comparing device through a data link,

　　　checking the authority of the merchant station for the method, using the merchant checking device,

　　　terminating the method in the absence of the authority, otherwise writing the data as an open transaction into the transaction memory device of the comparing device,

　　　after the step of reading the amount of money into the merchant station, making a connection from the mobile cell phone to the comparing device,

　　　transmitting the identification code of the merchant station and the identification code associated with the SIM card from the mobile cell phone to the comparing device,

　　　checking the authority of the SIM card for the method, using the subscriber checking device, in the absence of the authority terminating the method, clearing the open transaction from the transaction memory and the transmitting corresponding data to the merchant station, otherwise comparing the merchant station identification code transmitted from the mobile cell phone with those of the open transactions stored in the transaction memory device and on failure to find such a transaction terminating the process and, on finding the transaction,

　　　transmitting the transaction data to the mobile cell phone,

　　　outputting the data through the mobile cell phone,

　　　requesting confirmation information through the mobile cell phone,

　　　transmitting the confirmation data to the comparing device,

　　　terminating the transaction and clearing the transaction from the transaction memory if the confirmation data corresponds to a refusal, and transmitting the transaction

data from the transaction memory and the identification code of the mobile cell phone to an account keeping device and clearing the transaction from the transaction memory in the alternative case; and

transmitting additional supplementary transaction data to the comparing device or mobile cell phone from the merchant station.

2. (Previously Presented) A method according to claim 1, characterized in that the merchant station and the cell phone have interfaces for wireless transmission of data from the merchant station to the cell phone, and in that the identification code of the merchant station is transmitted to the mobile cell phone through these interfaces for wireless transmission before the mobile phone connection to the comparing device is made, and in that the identification code stored there can be transmitted during the existence of the connection to the comparing device.

3. (Currently Amended) A method of effecting a cashless payment transaction by means of a merchant station characterized by a merchant station identification code, a mobile cell phone with a SIM card and an identification code associated with the SIM card and a comparing device, which compromises a transaction memory device, a merchant checking device for checking the identification codes of the merchant stations authorized for this method, and a subscriber checking device for checking the identification codes of the SIM cards authorized for this method and, in the case in which the identification code of the SIM card is not its telephone number, for storing the telephone numbers associated with the SIM cards, and which is connected to account keeping devices, comprising the steps:

reading into the merchant station the amount of money to be paid,

wirelessly reading into the merchant station the identification code of a SIM card of a mobile cell phone,

transmitting, by the merchant station, the identification code of the merchant station, the identification code of the mobile cell phone and at least the amount of money to the comparing device over a data link,

checking the authority of the merchant station for the method by comparison with the entries in the merchant checking device, checking the authority of the SIM card for the method using the subscriber checking device,

terminating the method in the absence of authority, otherwise writing the data as an open transaction into the transaction memory device,

in the case in which the identification code of the SIM card is not the telephone number, reading the telephone number out of the subscriber checking device on the basis of the identification code,

making a connection from the comparing device to the mobile cell phone using the telephone number obtained,

transmitting the transaction data to the mobile cell phone,

outputting the data by the mobile cell phone,

requesting confirmation information through the mobile cell phone,

transmitting the confirmation data to the comparing device,

terminating the transaction if the confirmation data corresponds to a refusal,

transmitting the confirmation and optionally further transaction data to the merchant station,

transmitting the transaction data from the transaction memory and the identification code of the mobile cell phone to an account keeping device and clearing the transaction from the transaction memory; and

terminating the transaction if the confirmation information is not given within a predetermined time after transmitting the identification code of the merchant station, the identification code of the mobile cell phone and at least the amount of money from the merchant station to the comparing device.

4.   (Previously Presented) A method according to claim 3, characterized in that the mobile cell phone and the merchant station comprise interfaces for wireless transmission of data and, at the beginning of the method, the identification code associated with the SIM card is transmitted from the mobile cell phone through these interfaces to the merchant station and is there so stored that it can be used in the following steps at the merchant station.

5. – 6.   (Canceled)

7.   (Previously Presented) A method according to claim 3, characterized in that as well as the merchant identification code, further data on the transaction is read in the first step.

8.   (Canceled)

9.   (Previously Presented) A method according to claim 2, characterized in that at least one of the wireless interfaces is an infrared interface.

10.   (Previously Presented) A method according to claim 2, characterized in that at least one of the wireless interfaces is a microwave interface.

11.   (Canceled)

12.   (Previously Presented) A method according to claim 1, characterized in that when one of the necessary connections cannot be made, the transaction is terminated and if required the corresponding, stored open transactions in the transaction memory of the comparing device are cleared.

13.   (Previously Presented) A method according to claim 1, characterized in that the identification codes are replaced by the corresponding data identifying the account before transmission to the account keeping devices.

14.   (Previously Presented) A method according to claim 1, characterized in that, when no connection can be made to the merchant station or the mobile cell phone, at least one further attempt is made to make this connection and the process is only then terminated.

15.   (Previously Presented) A method according to claim 1, characterized in that when one of the connections cannot be made, a communication is given to the merchant station or the mobile cell phone, before the procedure is terminated.

16.   (Previously Presented) A method according to claim 1, characterized in that the identification code associated with the SIM card is an identification code stored on the SIM card and identifying the card and the transmission of the identification code associated with the SIM card takes place automatically in the transmission of data between the mobile cell phone and the comparing device.

17.   (Previously Presented) A method according to claim 1, characterized in that the identification code associated with the SIM card is its telephone number.

18.   (Currently Amended) A system comprising:
            a merchant station characterized by a merchant station identification code,

a mobile cell phone with a SIM card and an identification code characterizing the SIM card,

a comparing device, which comprises a transaction data memory device, a merchant checking device for checking the identification codes of the merchant stations authorized for this method and a subscriber checking device for checking the identification codes of the SIM cards authorized for this method and which is connected to account keeping devices, wherein the comparing device comprises:

a subscriber checking device in which is held the identification code of each mobile cell phone and the account number associated therewith in the account keeping device, and

a control device for transmitting to the account keeping device the account number corresponding to the identification code, on the basis of the information in the subscriber checking device, rather than the identification code of the mobile cell phone,

the merchant station comprising an input device and an output device and a device for making a data connection to the comparing device, the comparing device further comprises interface devices for data connection to merchant stations, interface devices for mobile cell phone connections, as well as control devices, which after the merchant station makes a connection to the comparing device and transmits transaction data from a merchant station to the comparing device, checks the authorization of the merchant station for the method, using the merchant checking device and terminates the method in the absence of authorization but otherwise enters the transmitted transaction data in the transaction data memory device, on making a connection from a mobile cell phone receives the identification code of the SIM card and the identification code of the merchant station, checks the authorization of the SIM card for the method using the subscriber checking device, and terminates the method in the absence of authorization, but otherwise compares the identification code of the merchant station with the entries in the transaction data memory device and, on finding a transaction with the same merchant station identification code, transmits the located transaction data to the mobile cell phone through the interface device for mobile cell phone connections and also sends a request for confirmation thereto, and receives the confirmation data through the interface device for mobile cell phone connections, interprets this as acceptance or refusal, transmits the confirmation information through the interface device to the merchant station and in the

case of acceptance transmits the transaction data and the identification code of the mobile cell phone to the account keeping device.

19. (Currently Amended) A system comprising:

a merchant station with a merchant station identification code,

a mobile cell phone with a SIM card and an identification code characterizing the SIM card, and

a comparing device, comprising a transaction data memory device, a merchant checking device for checking the identification codes of the merchant stations authorized for this method and a subscriber checking device for checking the identification codes of the SIM cards authorized for this method, and if the identification code is not the telephone number, storing the telephone number, and which is connected to account keeping devices, wherein

the merchant station comprises an input device, an output device, a device for making a data connection to the comparing device, and a device for wirelessly receiving the identification code characterizing the SIM card,

the comparing device further comprising:

interface devices for data connection to the merchant station, interface devices for mobile cell phone connections, as well as control devices, which after the merchant station makes a connection to the comparing device and transmits transaction data from a merchant station to the comparing device, checks the authorization of the merchant station for the method, using the merchant checking device, and the authorization of the SIM card for the method received wirelessly by the merchant station, using the subscriber checking device, and terminates the method in the absence of authorization, but otherwise enters the transmitted transaction data in the transaction data memory device, makes a connection through the interface device for mobile cell phone connections, corresponding to the identification code for the mobile cell phone contained in the transaction data, transmits the transaction data to the mobile cell phone and sends a request for confirmation to this, and receives the confirmation data through the interface device for mobile cell phone connections, interprets it as an acceptance or a refusal, in the case of acceptance transmits the confirmation information to the merchant station through the interface device and transmits the transaction data and the identification code of the mobile cell phone to the account keeping device, and

a merchant checking device in which is held the identification code of each merchant station and the account number associated therewith in the account keeping device,

wherein the control device transmits to the account keeping device the account number corresponding to the identification code, on the basis of the information in the merchant memory device, rather than the identification code of the merchant station.

20. – 21.   (Canceled)

22.   (Previously Presented) A system according to claim 18, characterized in that the comparing device comprises a merchant checking device in which is held the identification code of each merchant station and the account number associated therewith in the account keeping device, and in that the control device transmits to the account keeping device the account number corresponding to the identification code, on the basis of the information in the merchant memory device, rather than the identification code of the merchant station.

23.   (Previously Presented) A method according to claim 4, characterized in that at least one of the wireless interfaces is an infrared interface.

24.   (Previously Presented) A method according to claim 4, characterized in that at least one of the wireless interfaces is a microwave interface.

25.   (Previously Presented) A method according to claim 3, characterized in that further supplementary transaction data is transmitted to the comparing device or mobile cell phone from the merchant station.

26.   (Previously Presented) A method according to claim 3, characterized in that when one of the necessary connections cannot be made, the transaction is terminated and if required the corresponding, stored open transactions in the transaction memory of the comparing device are cleared.

27.   (Previously Presented) A method according to claim 3, characterized in that the identification codes are replaced by the corresponding data identifying the account before transmission to the account keeping devices.

28.   (Previously Presented)   A method according to claim 3, characterized in that, when no connection can be made to the merchant station or the mobile cell phone, at least one further attempt is made to make this connection and the process is only then terminated.

29.   (Previously Presented)   A method according to claim 3, characterized in that when one of the connections cannot be made, a communication is given to the merchant station or the mobile cell phone, before the procedure is terminated.

30.   (Previously Presented)   A method according to claim 3, characterized in that the identification code associated with the SIM card is an identification code stored on the SIM card and identifying the card and the transmission of the identification code associated with the SIM card takes place automatically in the transmission of data between the mobile cell phone and the comparing device.

31.   (Previously Presented)   A method according to claim 3, characterized in that the identification code associated with the SIM card is its telephone number.

32.   (Previously Presented)   A system according to claim 19, characterized in that the comparing device comprises a subscriber checking device in which is held the identification code of each mobile cell phone and the account number associated therewith in the account keeping device, and in that the control device transmits to the account keeping device the account number corresponding to the identification code, on the basis of the information in the subscriber checking device, rather than the identification code of the mobile cell phone.

33. – 45.   (Canceled)

EVIDENCE APPENDIX

There is no evidence submitted pursuant to 37 CFR §§ 1.130, 1.131, or 1.132, nor has any other evidence been entered by the Examiner.

<u>RELATED PROCEEDINGS APPENDIX</u>

There are no related proceedings, and, thus, no copies of decisions exist.